

Presentment Date and Time: May 16, 2016 at 12:00 p.m. (EDT)
Objection Date and Time: May 16, 2016 at 11:30 a.m. (EDT)

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

**NOTICE OF PRESENTMENT OF THE PICOWER PARTIES' MOTION FOR
ENTRY OF AN ORDER SETTING CERTAIN LIMITATIONS ON DEPOSITIONS
TAKEN ON THE PROFIT WITHDRAWAL ISSUE**

PLEASE TAKE NOTICE that upon the annexed motion of the Picower Parties¹ for the entry of an order setting certain limitations on depositions taken on the profit withdrawal issue (the "Motion"), the undersigned will present the annexed Motion and proposed order (the "Proposed Order") to the Honorable Stuart M. Bernstein, United States Bankruptcy Judge, United States Bankruptcy Court for the Southern District of New York (the "Court") for approval and signature on **May 16, 2016 at 12:00 p.m. (EDT)**.

PLEASE TAKE FURTHER NOTICE that objections, if any, to the relief requested in the Motion must comply with the Bankruptcy Rules and the Local Rules of the

¹ The "Picower Parties" refers to Capital Growth Company, Decisions Incorporated, Favorite Funds, JA Primary Limited Partnership, JA Special Limited Partnership, JAB Partnership, JEMW Partnership, JF Partnership, JFM Investment Companies, JLN Partnership, JMP Limited Partnership, Jeffry M. Picower Special Company, Jeffry M. Picower, P.C., The Picower Foundation, The Picower Institute of Medical Research, The Trust f/b/o Gabrielle H. Picower, Barbara Picower, individually, as Executor of the Estate of Jeffry M. Picower, and as Trustee for the Picower Foundation and for the Trust f/b/o Gabrielle H. Picower.

United States Bankruptcy Court for the Southern District of New York, must be set forth in a writing describing the basis therefor, and must be served upon each of the following: (i) counsel to the Picower Parties at Schulte Roth & Zabel LLP, 919 Third Avenue, New York, New York 10022, Attn: Marcy R. Harris, Esq.; (ii) counsel to Irving H. Picard (“Trustee”), trustee for the substantively consolidated SIPA liquidation of Bernard L. Madoff Investment Securities LLC and the estate of Bernard L. Madoff at Baker & Hostetler LLP, 45 Rockefeller Plaza, New York, New York 10111, Attn: Seanna M. Brown, Esq.; (iii) the Securities Investor Protection Corporation, 1667 K Street, N.W., Suite 1000, Washington, D.C. 20006, Attn: Kevin H. Bell, Esq.; and (iv) counsel for Participating Claimants (as that term is defined in paragraph 5 of the Order Establishing Schedule for Limited Discovery and Briefing on the Profit Withdrawal Issue, ECF No. 10266) at Baker McKenzie LLP, 815 Connecticut Avenue, N.W., Washington, D.C. 20006, Attn: Richard A. Kirby, Esq. and at Chaitman LLP, 465 Park Avenue, New York, New York 10022, Attn: Helen Davis Chaitman, Esq.; so as to be received no later than **11:30 a.m. (EDT) on May 16, 2016.**

PLEASE TAKE FURTHER NOTICE that unless a written objection to the Motion, with proof of service as set forth above, is filed with the Clerk of the Court by **11:30 a.m. (EDT) on May 16, 2016**, there will not be a hearing and the order may be signed.

PLEASE TAKE FURTHER NOTICE that if a written objection is timely filed, the Court will hear the Motion, along with any written objection timely received, on a date to be determined at the United States Bankruptcy Court for the Southern District of New York, One Bowling Green, New York, New York 10004-1408 before the Honorable Stuart M. Bernstein, United States Bankruptcy Judge. The moving and objecting parties are required to attend the

hearing, and failure to attend in person or by counsel may result in relief being granted or denied upon default.

Dated: May 9, 2016
New York, New York

By: /s/ Marcy R. Harris
Marcy R. Harris, Esq.
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Counsel for the Picower Parties